

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MUHAMMED TILLISY,

Case No. 23-CV-0422 (PJS/TNL)

Petitioner,

v.

ORDER

JARED RARDIN, Warden,

Respondent.

Muhammed Tillisy, pro se.

Lucas B. Draisey, UNITED STATES ATTORNEY'S OFFICE, for defendant.

This matter is before the Court on petitioner Muhammed Tillisy's objection to the February 21, 2024 Report and Recommendation ("R&R") of Magistrate Judge Tony N. Leung. Judge Leung recommends denying Tillisy's petition for a writ of habeas corpus. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules Tillisy's objection and adopts Judge Leung's careful R&R.

Only one matter merits comment. Judge Leung's analysis was not, as Tillisy claims, influenced by false information about the date on which the United States Marshals returned Tillisy to the physical custody of the State of Washington. In quoting a Western District of Washington order from one of Tillisy's many underlying cases, the R&R specifically corrected the misstated fact in that case with a footnote referencing the

actual stretches of time that Tillisy spent in federal and state custody. *See* R&R 4, 8 n.5. And in any event, as explained in the R&R, the date in question does not matter; the state did not relinquish primary jurisdiction by succumbing to trickery on Tillisy's part. Moreover, the R&R correctly concludes that Tillisy's federal sentences run consecutively to his state sentences, rendering the issue of primary jurisdiction immaterial to the calculation of his current release date.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES petitioner's objection [ECF No. 33] and ADOPTS the R&R [ECF No. 32]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Petitioner Muhammed Tillisy's petition for a writ of habeas corpus [ECF No. 1] is DENIED;
2. Petitioner's substitution of respondent [ECF No. 26], notice to substitute respondent [ECF No. 28], and motion to compel respondent [ECF No. 29] are DENIED AS MOOT;
3. Petitioner's request to substitute L.B. Kelly as respondent [ECF No. 31] is GRANTED.
4. This matter is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 12, 2024

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge

United States District Court